

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MARCH 8, 2006

Present: Ald. Schnipper (Chair), Weisbuch, Albright, Salvucci, Gentile, Yates, Mansfield and Lappin

City personnel: Robert Rooney (Commissioner of Public Works), Gayle Smalley (Associate City Solicitor) and Shawna Sullivan (Committee Clerk)

#113-06 ALD. SALVUCCI requesting an amendment to the City of Newton Ordinances §26-50(c) relative to minor temporary repairs by striking the word qualifying allowing the Commissioner of Public Works to fill potholes on all private ways.

ACTION: **HELD 8-0**

NOTE: Ald. Salvucci explained that he docketed this item in response to an elderly constituent who lives on a qualifying public way and cannot get a pothole filled in front of her driveway. The Public Works Department will not fill potholes on qualifying public ways, only on non-qualifying public ways. However, they will drop gravel at the end of a qualifying public way and the property owners can fill their potholes with the gravel. It is Ald. Salvucci's belief that all private way property owners deserve to have their potholes filled by the Public Works Department, as they all pay property tax.

Commissioner Rooney explained that there are 287 private ways in the city and they make up over 40 miles of road. The Commissioner provided photos of several qualifying private way that were covered in potholes. The City worked very hard to amend the ordinances to allow property owners the opportunity to pay to make minor or major temporary repairs on private ways. He also informed the Committee that there are currently nine private ways waiting for temporary repairs or public way acceptance at 100% cost to the property owners. The Commissioner feels a change to the existing ordinances regarding private ways will undermine the amendment. The Commissioner needs to look at where the City's resources are best used and he does not feel that filling potholes on qualifying ways is the best use of labor and funds.

Ald. Weisbuch asked if people are informed that they are purchasing a home on a non-qualifying public way. Ald. Schnipper responded that it is up to the homeowner to research the implications of living on a private way. Commissioner Rooney raised the issue of liability. He is concerned that once the Public Works Department performs any type of maintenance on a non-qualifying public way they may own it and many of those private ways are not sound. Ald. Lappin asked the Commissioner what the cost is for filling a pothole. The Commissioner

responded that it is approximately \$50 per pothole. He also raised the fact that public money would be used to repair private property.

Gayle Smalley joined the Committee to address to the question of liability. The City's liability is spelled out in Sec. 26-50(i) of the City of Newton Ordinances (attached.) If the City fills a pothole and the pothole opens, back up the city may be liable for damages or injury. Ald. Lappin suggested amending the Ordinances to allow for a hardship section for private way owners. Ms. Smalley would need to look at the ordinance to see if that is feasible.

Ald. Salvucci moved approval of the item. Ald. Gentile thought that there was an easier way to resolve the problem of one person who resides on private way that has an issue with a pothole than to change the ordinance. He offered a friendly amendment to Ald. Salvucci's motion by suggesting that the item be held to give the Commissioner an opportunity to deal with the pothole in question. Commissioner Rooney stated that he would find a way to fix the particular pothole. The Committee voted to hold the item unanimously.

#114-06 ALD. YATES AND DANBERG requesting His Honor the Mayor appoint a task force to evaluate the feasibility of an architectural salvage center to be located on the top floor of the Crafts Street Stable, the Recycling Center on Rumford Avenue, or other appropriate locations. Such a task force should consist of appointees from the Solid Waste Commission, the Trustees of the Newton History Museum, and the Advisory Committee on Recycling, the Newton Historical Commission, the Board of Aldermen, the Public Works Department, the Public Buildings Department, the Inspectional Services Department, the Green Decade Coalition, the Newton Conservators and other persons with knowledge of architectural salvage.

ACTION: **APPROVED AS AMENDED 8-0**

NOTE: Ald. Yates recent tour of the Crafts Street stables prompted him to docket this item. The third floor of the stables is barely used and he sure that there are other city building with available space for an architectural salvage. It would be a way to use exiting city resources for recycling and reducing waste. Ald. Yates would like to form a task force to determine if an architectural salvage center is appropriate for unused space in any city location.

Ald. Salvucci asked if the third floor of the stable is structurally sound for that type of use. Ald. Yates responded that it would be part of the evaluation that the task force would undertake. There is a proposal to renovate the Crafts Street Stables using Community Preservation Funds before the Finance Committee. There is a question of whether the stable is worth saving. Ald. Weisbuch asked if the task force was formed would it delay renovations to the stable. Ald. Yates responded that it would not delay the repairs but would add another possibility for use of the site.

Ald. Albright moved approval of the resolution. Ald. Mansfield suggested that the docket item be amended to strike the Conservators, as they deal with land not buildings and he suggested adding an architect or building demolition person. Ald. Yates pointed out that the docket item

already includes language to allow for members with expertise in either the architectural or construction field. Ald. Gentile moved to amend the docket item to strike the Crafts Street Stables, as it seems like we are creating reasons to spend a significant sum of money on the stable, which might be better spent in other places. Ald. Yates suggested striking all of the locations and letting the task force determine the best site or sites. The Committee voted approval of the item as amended by removing the Conservators and striking the references to site locations.

REFERRED TO ZONING & PLANNING AND PUBLIC FACILITIES COMMITTEES

#127-06 ALD. YATES requesting a RESOLUTION to His Honor the Mayor to authorize the HISTORICAL COMMISSION to submit applications to the Mass Historic Commission and the National Park Services to place the Crafts Street stables on the National Register of Historic Sites.

ACTION: **HELD 8-0**

NOTE: Ald. Yates explained that the City had prepared an application to place the Crafts Street Stables on the National Register of Historic Sites a few years ago, which has never been submitted. Therefore, it is just a matter of submitting the application to the Massachusetts Historic Commission and National Park Services. Commissioner Rooney is fine with the designation, as long as there are no restrictions to the use of the stables. The Committee members would like to see something in writing, which lists what the limitations are once a site is listed on the National Register of Historic Sites (attached) and get in put from the city's Preservation Planner. Therefore, a motion to hold the item was approved unanimously.

Respectfully submitted,

Sydra Schnipper, Chairman